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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR10-115-RAJ
10 v.)
11 LAHNI MICHAEL SHIELDS) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled
15 before me on April 13, 2012. The United States was represented by AUSA Tom Woods and
16 the defendant by Robert Leen. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about August 5, 2008 by the Honorable Fred Van
18 Sickles in the Eastern District of Washington on charges of Manufacturing 100 or More
19 Marijuana Plants. The sentence was 24 months custody, 4 years supervised release.

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant provide his probation officer with financial information as
22 requested, participate in mental health treatment, submit to search, submit to drug evaluation

01 and testing, participate in a substance abuse program, participate in mental health treatment,
02 submit to search, and abstain from the use of illegal controlled substances. (Dkt. 3 at 9.) The
03 case was transferred to this District on April 28, 2010. (Dkt. 3 at 2.)

04 On December 2, 2011, defendant was found to have violated the conditions of
05 supervised release by committing the crime of Assault IV, committing the crime of Interfering
06 with Domestic Violence Reporting, possessing dangerous weapons, and changing residences
07 without prior notice to his probation officer. (Dkt. 35.) Defendant was sentenced to 30 days in
08 custody, 3 years supervised release. Additional conditions required the defendant to abstain
09 from alcohol, to not use or possess any synthetic marijuana or other intoxicant, and to reside in
10 and satisfactorily participate in a residential reentry center program for up to 180 days. (*Id.* at
11 5.)

12 In an application dated February 21, 2012 (Dkt.36, 37), U.S. Probation Officer Michael
13 S. Larsen alleged the following violation of the conditions of supervised release:

14 1. Failing to reside in and satisfactorily participate in a residential reentry center
15 program on or about February 17, 2012, in violation of the special condition ordering him to do
16 so.

17 Defendant denied the allegation and an evidentiary hearing was conducted.

18 I find that a preponderance of the evidence establishes that the defendant violated a
19 condition of supervised release by failing to satisfactorily complete the residential reentry
20 program by being terminated from the program on or about February 21, 2012. The evidence
21 shows that defendant has permission to leave the RRC on February 17, 2012 for religious
22 services. He was due back by 3:00 pm, but called at 3:51 to say he had taken the wrong bus

01 and was "in the middle of nowhere". He did not call again, and was placed in an abscond
02 status. He appeared at the RRC on 7:45 pm that evening and was refused entry, due to Bureau
03 of Prison rules. At the time he was terminated, Defendant was the subject of nine previous
04 "situation reports" at the RRC relating to positive UAs, returning late, failing to complete his
05 assigned details, and disruptive behavior.

06 After being terminated from the RRC, defendant's probation officer urged him to
07 self-report, but he did not do so. He was arrested on April 4, 2012 by the Seattle Police.

08 I therefore recommend the Court find defendant violated his supervised release as
09 alleged in violation 1, and that the Court conduct a hearing limited to the issue of disposition.
10 The next hearing will be set before Judge Jones.

11 Pending a final determination by the Court, defendant has been detained.

12 DATED this 13th day of April, 2012.

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15 Mary Alice Theiler
United States Magistrate Judge

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17 cc: District Judge: Honorable Richard A. Jones
18 AUSA: Tom Woods
19 Defendant's attorney: Robert Leen
20 Probation officer: Michael Larsen
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